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C O N F I D E N T I A L SECTION 01 OF 02 YEREVAN 001748

SIPDIS

DEPT FOR EUR/CACEN, DRL
G/TIP FOR JENNIFER DONNELLY

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SUBJECT: TIP: UZBEK TRAFFICKING CONVICTION LEAVES CONCERNS
ABOUT JUDICIAL CONDUCT

REF: YEREVAN 1320

Classified By: DCM A.F. Godfrey for reasons 1.4(b,d)

SUMMARY

1. (C) On September 22, a local-level court in Yerevan sentenced Uzbek citizen Natella Saghatelyan to five years imprisonment for trafficking and forgery. The Armenian National Security Service (NSS) arrested Saghatelyan in March 2005 for trafficking Uzbek women, and a minor girl, through Armenia to Dubai and Bahrain. Saghatelyan's conviction marks the third instance in which an Armenian court has tried defendants under anti-trafficking statutes since Parliament adopted a new Criminal Code in April 2003. Saghatelyan's conviction carried the toughest sentence yet. Though Saghatelyan's prosecution is encouraging, Judge Iskuhi Vardanyan demonstrated an absolute lack of understanding of trafficking issues. Throughout the trial, Vardanyan made inappropriate statements about the victims, denied their requests for legal counsel, and brutally cross-examined them about their "willing participation." The United Methodist Committee on Relief (UMCOR) has sheltered the victims since March and, with help from the International Organization for Migration, will soon repatriate them to Uzbekistan. End Summary.

CRIME AND PUNISHMENT, SOMETIMES

2. (SBU) On September 22, Judge Iskuhi Vardanyan sentenced Uzbek citizen Natella Saghatelyan to a total of five years imprisonment for trafficking (four years) and forgery of travel documents (one year). The conviction carried the stiffest sentence meted out by an Armenian court since Parliament adopted the Section 132 anti-trafficking statute in April 2003. (Note: Under Armenian law, four years is the minimum punishment available for human trafficking convictions under aggravated circumstances, such as the exploitation of a minor. End note.) In addition to Saghatelyan, the court charged two local defendants as accomplices. A second defendant, Nshan Zakaryan, sheltered the victims in his house and helped to transport them within Yerevan. The court released Zakaryan after suspending his four and one half years prison sentence. Hovsep Ananyan, an employee at Yerevan's Zvartnots Airport, was convicted under Article 35 of the Armenian Criminal Code (Forgery, Sale or Use of Forged Documents) after passing a false passport to one of the victims after she exited border control. Ananyan paid a USD 550 equivalent fine, which the prosecutor appealed in favor of a harsher sentence.

CASE DETAILS

3. (SBU) According to court reports, Saghatelyan was a link in the chain of traffickers that started in Uzbekistan and ended in the United Arab Emirates and Bahrain. The victims, Lola Abdulaeva (age 26), Maria Khmelevo (age 19), and Karina Yeremyan (age 17) initially enlisted with the traffickers voluntarily, intending "to improve their families' harsh financial conditions through prostitution" in Dubai. Saghatelyan and other members of the trafficking network, however, compelled the victims to turn proceeds over "to cover accumulated debts for visas and other costs." Saghatelyan received the victims in Yerevan and attempted to facilitate their transit to Dubai, where local pimps waited at the airport. Saghatelyan, a citizen and usual resident of Uzbekistan, reportedly succeeded in facilitating the transit of only one girl, Nigina Majidova, to Bahrain. (Note: The investigation did not reveal any information about Majidova's fate. End Note.)

4. (SBU) The Armenian National Security Service apprehended Saghatelyan after UAE officials deported -- and returned to Yerevan -- victims Maria Khmelevo and Lola Abdulaeva for traveling on false passports. Investigators discovered the youngest victim, Karina Yeremyan, at Nshan Zakaryan's house

where they arrested Saghatelyan. The NSS referred all three victims to a USG-supported United Methodist Committee on Relief (UMCOR) anti-trafficking shelter. UMCOR will repatriate the victims (with the assistance of the International Organization for Migration) for care at a shelter in Uzbekistan.

COURT PROCEEDINGS HIGHLIGHT INSENSITIVITY AND BIAS

15. (C) Over the course of the three-month trial, Judge Iskuhi Vardanyan denied the women access to legal counsel by holding them as "witnesses" rather than victims, a common practice in Armenian criminal cases. Under Armenian law, witnesses are not guaranteed access to legal counsel. At hearings we attended, we noted that the state-provided translator (both the main defendant and the victims spoke Russian) selectively translated court instructions and frequently interjected with her own comments. Judge Vardanyan permitted the translator to respond for the victims without first consulting them. Vardanyan also made frequent inappropriate remarks, pointing and yelling angrily that "the fight against trafficking should start with them (the victims)." Vardanyan, the prosecutor, and the defense attorney cross-examined the victims for hours as they stood at a podium in the center of the room the entire time.

COMMENT: ENCOURAGING CONVICTION, DISCOURAGING CONDUCT

16. (C) Though Saghatelyan's conviction is encouraging (most trafficking cases here are prosecuted under the lesser charge of pimping), the court -- and Judge Iskuhi Vardanyan in particular -- demonstrated an absolute lack of sensitivity for trafficking victims during the trial. Though we have worked with police, prosecutors, journalists, IOM, and UMCOR to press the USG's anti-trafficking benchmarks, Vardanyan's courtroom display highlights the long road ahead for the judicial sector.
EVANS